IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

FAO.No. 158 of 2006()

AGAINST THE ORDER DATED 05/06/2006 IN IA.1080/2006 IN OS.7/2006 of II ADDL. DISTRICT COURT, TRIVANDRUM
.....

APPELLANT/PETITIONER/PLAINTIFF:

POORNNA PRINTING AND PUBLISHING HOUSE,
11/440, MUTTAPPALAM POST, VARKALA,
THIRUVANANTHAPURAM-695 145, KERALA, REPRESENTED
BY ITS MANAGING DIRECTOR, P.K.SUKUMARAN,
S/O. KESAVAN, AGED 70, RESIDING AT 11/440,
MUTTAPPALAM POST, VARKALA, TVPM-695 145.

BY ADV. SRI.ANIL K.NARENDRAN

RESPONDENTS: COUNTER PETITIOERS/DEFENDANTS:
----

1. **BHODESWARAN, S/O. JANARDHANAN,**
   AGED 50, HAVING ADDRESS POORNIMA PUBLICATIONS,
   POORNIMA, WEST OTHERA P.O., THIRUVALLA,
   PATHANAMTHITTA DISTRICT.

2. **PRABHAKUMARY M.T., D/O. THANKAPPAN,**
   AGED 45, RESIDING AT PANTHAPLAMOOTTIL,
   WEST OTHERA P.O., THIRUVALLA,
   PATHANAMTHITTA DIST.

..2/-

3. J.THARANATH, S/O. JANARDHANAN,
AGED 45, RESIDING AT SURYALAYAM,
THOTTAPPALLY, ALAPPUZHA-688 563.

4. M.H.RAMESH, S/O. HARIDAS,
AGED 50, RESIDING AT KAUMUDI,
THOTTAPPALLY P.O., ALAPPUZHA.

5. J.MURALEEDHARAN, S/O. JANARDHANAN,
AGED 54, KARIPOLITHARAYIL, PALLIPATTU MURI,
THIRIKUNNAPUZHA P.O., ALAPPUZHA.

6. S.ABDUL RASHEED, S/O. SULAIMANKUNJU,
AGED 50, MOOTHEKKAL VEEDU, ARATTUPUZHA,
THRIKKUNNAPUZHA, ALAPPUZHA.

BY ADV. SRI.GEORGE MAHTEW
SRI.K.S.HARIHARAPUTHRAN

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

F.A.O. No. 158 of 2006

Dated this the 17th day of July, 2007

Judgment

Koshy, J.

This appeal is filed against the interim order passed in O.S. No. 7 of 2006 on the file of the Additional District Court-II, Thiruvananthapuram. It is the contention of the appellant that violation of trade mark and passing of rights are not considered by the court. The order impugned is only an interim order. Considering the prima facie nature of the case these findings will not be binding when the case is finally disposed of. In the above circumstances, we direct the Additional District Court - II, Thiruvananthapuram to dispose of the suit as expeditiously as possible untrammelled by the observations in the order.

With that direction this appeal is disposed of.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

F.A.O.NO.158/2006

JUDGMENT

Dated:17th July, 2007